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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-187910

DATE: March 23, 1977

MATTER OF: Chameleon Engineering Corporation


DIGEST:

Request for remission of liquidated damages by Army is denied since Army's decision not to recommend remission precludes GAC under 10 U.S.C. § 2312 from remitting all or part of such damages.

Chameleon Engineering Corporation (Chameleon) has requested relief from an assessment of \$9,000 in liquidated damages by the Corps of Engineers, Department of the Army (Army) under contract No. DACA05-75-C-0096.

We have been advised that the Army has decided not to recommend remission of liquidated damages under the subject contract. Under 10 U.S.C. § 2312 our Office is authorized to remit liquidated damages in whole or in part upon the recommendation of the head of the contracting agency. In regard to the relief requested, the cited statute clearly contemplates that a favorable recommendation by the head of the agency concerned is a prerequisite to any remission action by our Office. Olson Plumbing & Heating Company, B-185557, August 11, 1976, 76-2 CPD 154.

Consequently, we are unable to grant Chameleon remission of all or any part of the liquidated damages assessed.


Deputy Comptroller General
of the United States